

Memorandum

Date : APR 15 2010

To : Tim Mahoney
Superintendent (A)
Preston Youth Correctional Facility

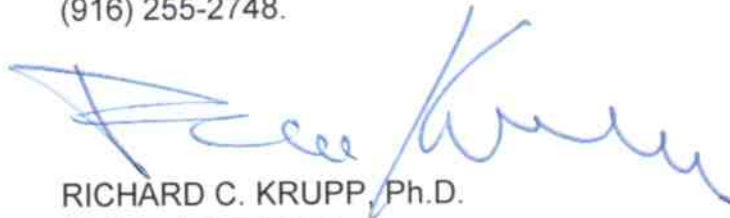
Russ Harris
Principal (A)
James A. Wieden High School

Subject : **PRELIMINARY REPORT OF THE EDUCATION SERVICES REMEDIAL PLAN AT
PRESTON YOUTH CORRECTIONAL FACILITY**

The Office of Audits and Compliance (OAC), Compliance/Peer Review Branch, in conjunction with the Farrell Task Force, conducted a compliance review at James A. Wieden High School (JAWHS), located at Preston Youth Correctional Facility, during the period of November 16 through November 19, 2009. The review was to assess JAWHS's level of compliance with the terms and conditions of the Education Services Remedial Plan and departmental policy and standards as it relates to action items 3.15, 5.6, 5.7, and 5.8.

As mentioned in the engagement memorandum, and discussed at the exit conference, a corrective action plan including time frames, target dates, and/or rebuttals, should be received within 30 days from the date of this report.

If you should have any questions, please contact Gil DeLyon, Captain, OAC, at (916) 255-2748.



RICHARD C. KRUPP, Ph.D.
Assistant Secretary
Office of Audits and Compliance

Attachments

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COMPLIANCE REVIEW
PRESTON YOUTH CORRECTIONAL FACILITY



Prepared by:

California Department of Corrections and Rehabilitation
Office of Audits and Compliance

November 2009

EDUCATION SERVICES REMEDIAL PLAN

Division of Juvenile Justice, Education Services Remedial Plan

Office of Audits and Compliance Staff
Gil DeLyon, Captain

Division of Juvenile Justice Subject Matter Expert
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EXECUTIVE SUMMARY

The Office of Audits and Compliance, Compliance/Peer Review Branch (CPRB) utilized the Education Services Remedial Plan, Sections III and V, to determine whether James A. Wieden High School (JAWHS), located at Preston Youth Correctional Facility, is in compliance with the policies and identified areas outlined in the Education Services Remedial Plan. The CPRB reviewed the following Education Services action items: 3.15, 5.6, 5.7, and 5.8.

The review period for the Education Services Remedial Plan was August 2009 through November 2009 with fieldwork conducted on November 16 through November 19, 2009.

The CPRB concludes that JAWHS is in partial compliance (PC) with action item 3.15, in reference to school attendance; action item 5.6, in reference to a full continuum of special education services to special education eligible students; action item 5.7, in reference to special education students receiving 90 percent or more of mandated services; and action item 5.8, in reference to verification that services listed in Individualized Education Plan's (IEP) are being provided.

The findings are as follows:

- For action item 3.15, the Absentee Codes report the student's excused and unexcused absences; however, JAWHS is not applying the codes in a standardized manner. Therefore, the student's absence numbers documenting the student's excused and unexcused absences provided cannot be verified by the CPRB.
- For action item 3.15, the Teacher Monthly Average Daily Attendance (ADA) Special Day Class (SDC) Summary and the Ward Information Network (WIN) Attendance Tracking reports do not accurately indicate excused and unexcused attendance numbers.
- For action item 3.15, the mathematical formula utilized in the WIN Attendance Tracking report to calculate the percentages of excused and unexcused absences is ambiguous; the numbers provided cannot be verified or replicated.
- For action item 5.6, special education and related services were not provided to all special education eligible students.
- For action items 5.7 and 5.8, special education staff failed to provide 90 percent of the required service hours in the Individualized Education Plan (IEP) to a number of students.

BACKGROUND

On November 19, 2004, a Consent Decree was entered into in the case of *Farrell v. Allen*. The Consent Decree required the defendant, now the Division of Juvenile Justice (DJJ), to file Remedial Plans in all areas of deficiency identified by the Court appointed experts by January 31, 2005. In January 2005, in response to the Consent Decree, DJJ made the decision to reform California's juvenile system into a rehabilitative model based on a therapeutic environment.

The DJJ has established a Farrell Task Force Team to develop, implement, and measure compliance within the scope of the six Remedial Plans. As part of the Farrell Task Force, the CPRB is charged with assessing compliance and if applicable, recommending corrective actions related to the findings.

The CPRB will be reviewing specific action items that make up the 6 Remedial Plans. The action items that have been selected for review are based on risk to the Department. These issues include, but are not limited to, 18 items with a time sensitive date and key indicators. The review will be evaluated using a compliance rating system. Each action item will be evaluated by whether it is in substantial compliance (SC) 85 percent and above, PC 84 percent to 50 percent, or noncompliance (NC) 49 percent and below. Items that result in a yes or no compliance level will be rated as SC or NC. Items that cannot be rated will be categorized as not ratable (NR). Due to the diversity and occasional abstract content of the action items, a numeric rating system cannot always be utilized. As a result, a narrative rating system will be used to evaluate the level of compliance.

The specific objectives of the review are to:

- Review 10 or 10 percent, whichever is greater, student files to document school attendance for the last 30 school days;
- During site visits and through staff interviews, determine whether the continuum of available special education services is provided to all eligible students including those assigned to restricted settings; and
- Review 10 or 10 percent, whichever is greater, of special education files at each site to verify that eligible students are receiving the required number of segments and full instruction day.

The CPRB determined whether the objectives are met by reviewing:

- WIN Attendance Tracking report;
- Local policies and procedures for school attendance;
- List of students who have been absent for the last 30 school days;

- List of class closures and non-education activities;
- IEP for a total number of special education services required;
- Special education report for proof that 90 percent of services are provided;
- Review One Day Class Roster from WIN (general resources) to ensure 240 minutes of instruction;
- Review attendance for possible interference with the 240 minutes of instruction (work assignments, dorm hold-backs, counseling, position vacancies, drug classes, etc.);
- List of special education youth on restricted programs;
- Cross reference with WIN Attendance Tracking report and the monthly IEP special education report;
- Ensure numbers equal 240 minutes of education/instruction for SDC students, plus 90 percent of all special education students received 90 percent of required special education services;
- IEP for a total number of special education services required;
- WIN Attendance Tracking (general resources) to ensure 240 minutes of instruction;
- Service provider log and education files, to verify accuracy of services to special education students;
- Interview students to determine whether they are receiving special education and general education for a total of 240 minutes of education instruction (segments); and
- Education Services Remedial Plan, Sections III and V.

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
3.15	<p>Action Item:</p> <p>Review 10 or 10 percent, whichever is greater, student files to document school attendance for the last 30 school days.</p> <p>Methodology:</p> <p>Review WIN Attendance Tracking report.</p> <p>Review local policies and procedures for school attendance.</p> <p>Review list of students who have been absent for the last 30 school days.</p> <p>List of class closures and non-education activities.</p> <p>Criteria:</p> <p>Education Services Remedial Plan, page 28.</p>		X			<p>Partial Compliance</p> <p>Finding 1:</p> <p>JAWHS is not applying the Absentee Codes in a standardized manner.</p> <p>Cause:</p> <p>The Absentee Codes document that is used at JAWHS to determine the reason a student missed class and whether that reason was excused or unexcused, is not standardized between JAWHS and Central Office education. The lack of standardization inflates the number of monthly student absentees.</p>	<ol style="list-style-type: none"> 1. JAWHS and Central Office work collaboratively to standardize the Absentee Codes. 2. Provide training to: <ul style="list-style-type: none"> • JAWHS Principals so that they are able to present accurate data to the court experts. • JAWHS education staff that input attendance data into the WIN system. • Security staff that document absentee codes into the daily attendance report. • Central Office education staff that input data into the WIN Attendance Tracking report. 	<p>The student absence numbers related to excused and unexcused absences provided by Central Office education to JAWHS cannot be verified by the CPRB.</p> <p>It should be noted that JAWHS students are scheduled for a full continuum of services, as all students reviewed were scheduled for a complete school day (5 classes).</p>

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
							3. JAWHS and Central Office work collaboratively to present the finalized absentee system with the formula that identifies the accurate percentages of excused and unexcused students to the court experts for their feedback.	

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
3.15	<p>Action Item:</p> <p>Review 10 or 10 percent, whichever is greater, student files to document school attendance for the last 30 school days.</p> <p>Methodology:</p> <p>Review WIN Attendance Tracking report.</p> <p>Review local policies and procedures for school attendance.</p> <p>Review a list of students who have been absent for the last 30 school days.</p> <p>List of class closures and non-education activities.</p> <p>Criteria:</p> <p>Education Services Remedial Plan, page 28.</p>		X			<p>Partial Compliance</p> <p>Finding 2:</p> <p>The Teacher Monthly ADA SDC Summary and the WIN Attendance Tracking report do not accurately indicate excused and unexcused attendance numbers.</p> <p>Cause:</p> <p>The Teacher Monthly ADA SDC Summary only reports the total absence rate; it cannot be used for the purpose of excused and unexcused absentee rates.</p> <p>The WIN Attendance Tracking Report combines</p>	<ol style="list-style-type: none"> 1. JAWHS and Central Office work collaboratively to ensure the WIN Attendance Tracking report indicates accurate percentages of excused and unexcused student absences. 2. Provide training to: <ul style="list-style-type: none"> • JAWHS education staff that input the attendance data into the WIN system. • Security staff that document absentee codes into the daily school attendance report. • Central Office education staff that input data into the WIN Attendance Tracking report. 	Education Remedial Item 3.15 requires the facilities monthly numbers of excused and unexcused absences and the total student absence rate.

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
						excused and unexcused attendance numbers. As the attendance numbers are combined and lacking a standardized absentee coding system, student attendance numbers are inaccurate.	3. JAWHS and Central Office work collaboratively to present the finalized absentee system with the formula that identifies accurate percentages of excused/unexcused students to the court experts for their feedback.	

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
3.15	<p>Action Item:</p> <p>Review 10 or 10 percent, whichever is greater, student files to document school attendance for the last 30 school days.</p> <p>Methodology:</p> <p>Review WIN Attendance Tracking report.</p> <p>Review local policies and procedures for school attendance.</p> <p>Review a list of students who have been absent for the last 30 school days.</p> <p>List of class closures and non-education activities.</p> <p>Criteria:</p> <p>Education Services Remedial Plan, page 28.</p>		X			<p>Partial Compliance</p> <p>Finding 3:</p> <p>The mathematical formula used by the WIN Attendance Tracking report to indicate the percentages of excused and unexcused absences is ambiguous; the numbers provided cannot be verified or replicated.</p> <p>Cause:</p> <p>The CPRB reviewed the WIN Attendance Tracking report that was developed to address items 3.15 and 3.19. The document is unclear. Excused and unexcused absence numbers</p>	<ol style="list-style-type: none"> 1. JAWHS and Central Office work collaboratively to ensure the WIN Attendance Tracking report utilizes a simple formula that can be replicated by JAWHS Principals and Central Office. 2. Provide training to: <ul style="list-style-type: none"> • JAWHS education staff that input attendance data into the WIN system. • Central Office education staff that input data into the WIN Attendance Tracking report. 3. JAWHS and Central Office work collaboratively to present the 	This document also lists Pine Grove Youth Conservation Camp (PGYCC). Camps are not part of the educational remedial plan. PGYCC should be removed from documents provided to the court experts.

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments										
						are combined and the formula listed at the bottom of the document does not equal the reported percentages listed in the last (far right) column of the WIN Attendance Tracking report.	finalized absentee system with the formula that identifies the accurate percentages of excused and unexcused absences to the court experts for their feedback.											
5.6	<p>Action Item:</p> <p>During site visits and staff interviews, determine whether each DJJ facility provides continuum of placement options, including the full range of time, frequency and duration within each option.</p> <p>Methodology:</p> <p>Review the IEP for a total number of special education services required.</p>		X			<p>Partial Compliance</p> <p>Finding 4:</p> <p>Special education and related services were not provided to all special education eligible students.</p> <p>Monthly reports from JAWHS failed to support the provision of a full continuum of placement options, including range of time, frequency, and duration of services.</p>	1. JAWHS and Central Office work collaboratively to provide additional resources to address the lack of a full continuum of special education services (Speech and Language Specialists (SP/LANG), etc.).	<p>Students are required to receive 90 percent or more of mandated services.</p> <p>See summary below: Percentage of mandated services students are receiving.</p> <p>Resource Specialist (RSP)</p> <p>Psychiatrist/Psychologist (PSYCH)</p> <table><tr><td colspan="2"><u>August</u></td></tr><tr><td>RSP</td><td>100%</td></tr><tr><td>SDC</td><td>100%</td></tr><tr><td>PSYCH</td><td>100%</td></tr><tr><td>SP/LANG</td><td>100%</td></tr></table>	<u>August</u>		RSP	100%	SDC	100%	PSYCH	100%	SP/LANG	100%
<u>August</u>																		
RSP	100%																	
SDC	100%																	
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SP/LANG	100%																	

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
	<p>Review the special education report for proof that 90 percent of services are provided.</p> <p>Review WIN One Day Class Roster (general resources) to ensure 240 minutes of instruction.</p> <p>Review attendance for possible interference with the 240 minutes of instruction (work assignments, dorm hold-backs, counseling, position vacancies, drug classes, etc.).</p> <p>Criteria:</p> <p>Education Services Remedial Plan, page 40.</p>					<p>During the review period, students failed to receive 90 percent or more of their IEP mandated services.</p> <p>Cause:</p> <p>JAWHS does not have the appropriate resources available to provide a full continuum of special education and related services to all special education eligible students.</p>		<p><u>September</u></p> <p>RSP 100%</p> <p>SDC 100%</p> <p>PSYCH 100%</p> <p>SP/LANG 100%</p> <p><u>October</u></p> <p>RSP 100%</p> <p>SDC 100%</p> <p>PSYCH 100%</p> <p>SP/LANG 25%</p> <p><u>November</u></p> <p>RSP 100%</p> <p>SDC 88%</p> <p>PSYCH 100%</p> <p>SP/LANG 25%</p>

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
5.7	<p>Action Item:</p> <p>During site visits and through staff interviews, determine whether the continuum of available special education services are provided to all eligible students, including those assigned to restricted settings.</p> <p>Methodology:</p> <p>List of special education youth on restricted programs.</p> <p>Cross reference the WIN Attendance Tracking report and the monthly IEP special education report.</p> <p>Criteria:</p> <p>Education Services Remedial Plan, page 40.</p>		X			<p>Partial Compliance</p> <p>Finding 5:</p> <p>Special education staff failed to provide 90 percent of the required service hours in the IEP's to a number of students. (See data in item 5.6.)</p> <p>Cause:</p> <p>JAWHS does not have the appropriate resources available to provide a full continuum of special education and related services to all special education eligible students.</p>	<p>1. JAWHS and Central Office work collaboratively to provide additional resources to address the lack of a full continuum of special education services (SP/LANG, etc.).</p>	<p>Students are required to receive 90 percent or more of mandated services.</p>

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
5.8	<p>Action Item:</p> <p>Review 10 or 10 percent, whichever is greater, of special education files at each site to verify that eligible students are receiving the required number of segments and full instruction day. Interview special education students to verify that services listed in IEP's are being provided.</p> <p>Methodology:</p> <p>Review IEP for the total number of special education services required.</p> <p>Review WIN Attendance Tracking (general resources) to ensure 240 minutes of instruction.</p>		X			<p>Partial Compliance</p> <p>Finding 6:</p> <p>Special education staff failed to provide 90 percent of the required service hours in the IEP's to a number of students. (See data in item 5.6.)</p> <p>Cause:</p> <p>JAWHS does not have the appropriate resources available to provide a full continuum of special education and related services to all special education eligible students.</p>	<p>1. JAWHS and Central Office work collaboratively to provide additional resources to the facilities to address the lack of a full continuum of special education services (SP/LANG, etc.).</p>	<p>Students are required to receive 90 percent or more of mandated services.</p>

CPRB Remedial Site Compliance Report

Item	Auditing Method	SC	PC	NC	NR	Findings	Recommendations	Reviewer's Comments
	<p>Review service provider log and education files to verify accuracy of services to special education students.</p> <p>Interview students to determine whether they are receiving special education and general education for a total of 240 minutes of education instruction (segments).</p> <p>Criteria:</p> <p>Education Services Remedial Plan, page 40.</p>							

Review of the Education Services Remedial Plan
PRESTON YOUTH CORRECTIONAL FACILITY

GLOSSARY

ADA	Average Daily Attendance
CPRB	Compliance/Peer Review Branch
DJJ	Division of Juvenile Justice
IEP	Individualized Education Plan
JAWHS	James A. Wieden High School
NC	Noncompliance
NR	Not Ratable
PC	Partial Compliance
PGYCC	Pine Grove Youth Conservation Camp
PSYCH	Psychiatrist/Psychologist
RSP	Resource Specialist
SC	Substantial Compliance
SDC	Special Day Class
SP/LANG	Speech and Language Specialists
WIN	Ward Information Network